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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,824	07/27/2000	Seok-Hyo Park	678-517 (P8784)	9607
28249	7590	07/29/2005	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			TRINH, TAN H	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/626,824

Applicant(s)

PARK, SEOK-HYO

Examiner

Tan H. Trinh

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: 05/11/2005.  
Claims 2 and 4 are still pending.

***Response to Arguments***

2. Applicant's arguments, see remarks, filed on 05/11/2005, with respect to the rejection(s) of claim(s) 2 and 4 have been fully considered and are persuasive.  
Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Barber (US-6,198,947).

Regarding claim 2, Baber discloses a method for adjusting a volume level of key tone ("volume changes") in a cellular phone (col. 9, lines 25-52 and col. 10, lines 32-50; for more details see cols. 9-14), comprising the steps of:

registering by a user a first voice command for commanding the cellular phone to raise the key tone volume level ("volume changes") (col. 9, lines 25-52 and col. 10, lines 32-50; for more details see cols. 9-14);

registering by the user a second voice command for commanding the cellular phone to lower the key tone volume level ("volume changes") (col. 9, lines 25-52 and col. 10, lines 32-50; for more details see cols. 9-14); and

raising or lowering the key tone volume level ("volume changes") respectively in response to said first or said second voice command inputted to said cellular phone (col. 9, lines 25-52 and col. 10, lines 32-50; for more details see cols. 9-14).

Regarding claim 4, Baber discloses a method for adjusting a volume level of communication voice (cols. 9-10) and key tones (col. 9, lines 25-52 and col. 10, lines 32-50; for more details see cols. 9-14) in a communication mode and a standby mode (col. 9, lines 42-52) of a cellular phone, comprising the steps of:

registering by a user a first voice command for commanding said cellular phone to raise the volume level ("volume changes") (cols. 9-10);

registering by the user a second voice command for commanding the cellular phone to lower the volume level ("volume changes") (cols. 9-10);

determining whether the cellular phone is in an "on" state for receiving communication when said first or said second voice command is inputted to said cellular phone (cols. 9-10);

raising or lowering the volume level ("volume changes") respectively in response to said first or said second voice command if said cellular phone is in said "on" state (cols. 9-10);

determining whether said cellular phone is in a key tone adjustment mode if said cellular phone is not in said "on" communication state when said first or said second voice command is inputted to said cellular phone (cols. 9-10); and

raising or lowering the volume level of the key tones ("volume changes"), respectively, in response to said first or said second voice command if said cellular phone is in said key tone adjustment mode (cols. 9-10).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is 571-272-7888. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Trinh, Tan H.

AU: 2684

Date: 07/21/2005



7-22-2005

NGUYENT.VO  
PRIMARY EXAMINER